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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,542	10/16/2003	Alan Phillips	PTG 02-120-2	7747
23531	7590	01/12/2006	EXAMINER	
SUITER WEST SWANTZ PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/687,542	PHILLIPS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Carolyn T. Blake	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 3-6 and 13-16 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,7-12 and 17-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 16 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Species I in the reply filed on October 21, 2005 is acknowledged. The traversal is on the ground(s) that FIG 7 was incorrectly grouped with Species I. This is not found persuasive. The election requirement was based on Applicant's specification as originally filed, wherein FIG 7 is described as a side view of FIG 2 on page 4, lines 23 and 24. Based on the amended specification filed October 21, 2005, the examiner agrees with the new grouping suggested by Applicant, wherein FIGS 1-4 belong to Species I and FIGS 5-7 belong to Species II. However, merely pointing out a mistake in the examiner's grouping based on a mistake in Applicant's specification does not constitute a proper traversal. For a proper traversal, Applicant is required to submit evidence or admit on the record that the species are obvious variants of each other. Applicant has not done this.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3-6 and 13-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 21, 2005.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 70. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because the location of the sun gear (120) is unclear in the exploded view shown in FIG 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because it makes use of legal language, such as the word "comprises" (line 5). Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because it is replete with errors, especially when referencing numbers in the drawings. Applicant should carefully proofread the specification and correct all errors.

The following are examples of such errors:

- Page 5, line 5: FIGS 8 and 10 are referenced. However, these figures do not exist.
- Page 5, line 8: Reference number "20" does not denote an arbor in the drawings.

- Page 6, line 4: Reference number “106” does not denote a planar disc in the drawings.
- Page 6, line 14: Reference number “60” does not denote a threaded hole in the drawings.

***Claim Objections***

8. Claim 8 is objected to because of the following informalities: the phrase “the housing” lacks proper antecedent. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 7, 9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al (4,955,744) in view of Ohmi (4,305,441).

Barth et al discloses a blade clamp assembly substantially as claimed, including a planetary gear system (31, 37, 38); a body (39); a planet gear (37/38) engaged with the body; a bolt assembly including a threaded bolt (13) and a carrier (17); a cap (22) including a sun gear (31); and a ring gear (teeth 40). The Barth et al blade clamp is capable of being used with a rotary blade as claimed. Barth et al fail to disclose a blade washer. However, Ohmi discloses it is well known in the art to provide a washer (8) for engaging a tool in order to decrease undesired movement of the tool. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to provide a washer, as disclosed by Ohmi, on the Barth et al device for the purpose of decreasing tool movement.

11. Claims 2, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al in view of Ohmi as applied to claims 1, 7, 9, and 21 above, and further in view of New (3,491,602), Feng et al (6,467,368), and Hitomi (6,848,642).

The Barth-Ohmi combination discloses the invention substantially as claimed, but fails to disclose a lever. However, it is old and well known to use a lever on a manual dial in order to increase torque and provide an ergonomic grip for a use. For example, New, Feng et al, and Hitomi all disclose such levers in a variety of applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as disclosed by New, Feng et al, and Hitomi, on the Barth-Ohmi combination for the purpose of increasing torque and providing an ergonomic use grip.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al in view of Ohmi as applied to claims 1 and 7 above, and further in view of Childs et al (6,843,627).

The Barth-Ohmi combination discloses the invention substantially as claimed, but fails to disclose keyed surfaces as claimed. However, Childs et al disclose a body (150) with a keyed bottom surface and a washer (12) with a keyed upper surface for engaging the bottom surface of the body. This keyed connection allows for a greater range of adjustability and a tighter connection than the flat surface of the Barth-Ohmi combination. Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to provide a keyed connection, as disclosed by Childs et al, with the Barth-Ohmi combination for the purpose of providing a tighter connection.

13. Claims 11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al in view of Ohmi and Childs et al.

The Barth-Ohmi combination anticipates the invention substantially as claimed (see rejections above), but fails to disclose the blade clamp assembly in combination with a rotary blade. However, the Barth-Ohmi combination could easily be implemented on another device from the one disclosed, including a circular saw comprising a motor (in housing 12), an arbor, and a rotary blade (14). Therefore, it would have been obvious to one of ordinary skill in the art to use the Barth-Ohmi blade assembly with another tool, such as the circular saw disclosed by Childs et al, in order to perform another machining process.

14. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al in view of Ohmi and Childs et al as applied to claims 11 and 17 above, and further in view of New, Feng et al, and Hitomi.

The Barth-Ohmi-Childs combination discloses the invention substantially as claimed, but fails to disclose a lever. However, it is old and well known to use a lever on a manual dial in order to increase torque and provide an ergonomic grip for a use. For example, New, Feng et al, and Hitomi all disclose such levers in a variety of applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as disclosed by New, Feng et al,

and Hitomi, on the Barth-Ohmi-Childs combination for the purpose of increasing torque and providing an ergonomic use grip.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Offenlegungsschrift (DE 30 12 836 A1), Husted (4,850,153), and Chen (6,682,284) disclose clamp assemblies.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS  
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January 4, 2006

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